

1 Stephen M. Doniger (SBN 179314)
stephen@donigerlawfirm.com
2 Scott A. Burroughs (SBN 235718)
scott@donigerlawfirm.com
3 Trevor W. Barrett (SBN 287174)
tbarrett@donigerlawfirm.com
4 DONIGER / BURROUGHS
5 603 Rose Avenue
6 Venice, California 90291
7 Telephone: (310) 590-1820
Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 CITY PRINTS, LLC, a New York
11 Corporation,

12 Plaintiff,

13 v.

14 SANS SOUCI, LLC, *et al.*,

15 Defendants.
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Case No 2:15-cv-06128-MWF-JC
Hon. Judge Michael W. Fitzgerald

JOINT RULE 26(f) REPORT

Scheduling Conf. Date: November 16,
2015
Scheduling Conf. Time: 11:00 a.m.
Scheduling Conf. Location: 1600-Spring
St.

19 By and through their attorneys of record, who are set forth below, the parties
20 have prepared and hereby submit this jointly signed Scheduling Conference report
21 following the conference of counsel required by Federal Rules of Civil Procedure
22 16(b) and 26(f), Central District Local Rule 26-1 and this Court's Order setting a
23 Scheduling Conference.

24 **1) FACTUAL SUMMARY OF CASE**

25 **A. Plaintiff's Contentions**

26 Plaintiff is a design and fabric company. Plaintiff alleges that it creates and
27 purchases the exclusive rights to two-dimensional works of art for use on textiles. By
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1 having original artwork consistent with market trends, Plaintiff creates a demand for
2 its services. Plaintiff has alleged that Defendants have engaged in infringing activity
3 by creating, importing, manufacturing, distributing, purchasing, selling, and/or
4 transferring apparel and fabric which violates these copyrights for Plaintiff's
5 proprietary P11318 Design.

6 Plaintiff estimates that recoverable damages, including without limitation
7 Defendants' disgorgeable profits, Plaintiff's actual damages, attorneys' costs, and
8 pre-judgment interest on its copyright claim are likely in excess of \$100,000.00.
9 Plaintiff may alternately elect statutory damages, which would amount to up to
10 \$150,000 per instance of infringement.

11 **B. Defendants' Contentions**

12 Defendant disputes Plaintiff's contentions.

13 **2) LEGAL ISSUES**

14 **A. Plaintiff's Contentions**

15 Plaintiff contends that the legal issues will concern its copyright infringement
16 claims against Defendants, all and each, as well as claims for vicarious, contributory
17 and/or willful copyright infringement against Defendants.

18 **B. Defendants' Contentions**

19 Defendant contends that it is not liable for copyright infringement of the
20 copyright at issue.

21 **3) ADDING PARTIES**

22 Plaintiff anticipates any additional parties in the supply chain for the allegedly-
23 infringing product, and will do so by the date set forth below.

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1 **4) DISPOSITIVE MOTIONS**

2 **A. Plaintiff's Contentions**

3 Plaintiff anticipates filing a Motion for Partial Summary Judgment for liability
4 as to Defendants for copyright infringement. Plaintiff anticipates filing this motion
5 after conducting at least one round of discovery.

6 **B. Defendants' Contentions**

7 Defendant anticipates filing a motion for summary judgment and/or
8 adjudication as to the issue of non-infringement, or other grounds of non-liability.

9 **5) SETTLEMENT**

10 The parties have not had meaningful settlement discussions. Pursuant to Local
11 Rule 16-15.4, the parties have also agreed to Central District Settlement Procedure
12 No. 1, which is to appear before the Magistrate Judge for a settlement conference.

13 **6) DISCOVERY PLAN**

14 All discovery will be conducted pursuant to the Federal Rules of Civil
15 Procedure. The parties agree that no modification of the discovery limitations set
16 forth in FRCP or the Local Rules are necessary at this time. However, the parties
17 reserve their right to request the Court to modify the limitations imposed by FRCP 26
18 and the Local Rules, except as to the time that expert witnesses are disclosed.

19 The parties will serve their initial disclosures pursuant to FRCP 26 pursuant to
20 the Federal Rules of Civil Procedure. The parties anticipate utilizing all discovery
21 allowed under the Federal Rules, including requests for documents, interrogatories,
22 requests for admissions and depositions.

23 **TRIAL ESTIMATE**

24 The parties estimate the jury trial in this matter to last 3-4 court days. All
25 parties have demanded a jury trial.

1 **7) STATUS OR MANAGEMENT OF THE CASE**

2 The parties do not believe there are any special issues affecting the status or
3 management of this case at this time.

4 **8) PROPOSED DATES**

5 The parties propose the discovery and scheduling dates provided in Exhibit A,
6 attached hereto.

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8 WHEREUPON, the parties, by and through their respective attorneys of
9 record, hereby jointly submit this Joint Report.

10 Dated: October 26, 2015

11 By: /s/ Trevor W. Barrett
12 Scott A. Burroughs, Esq.
13 Trevor W. Barrett, Esq.
14 DONIGER / BURROUGHS
Attorneys for Plaintiff

15 Dated: October 26, 2015

16 By: /s/ K. Tom Kohan
17 K. Tom Kohan
Attorney for Defendant
SANS SOUCI, LLC

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19 The undersigned attests that all signatories listed, and on whose behalf this
20 filing is submitted, concur in the filing's content and have authorized the filing.

21 By: /s/ Trevor W. Barrett
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